

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SAMUEL VALDEZ,

Petitioner,

v.

RONALD HAYNES,

Respondent.

Case No. C21-5322-DGE-SKV

ORDER GRANTING PETITIONER'S
THIRD MOTION FOR ENLARGEMENT
OF TIME

This is a federal habeas action filed under 28 U.S.C. § 2254. This matter comes before the Court at the present time on Petitioner's third motion for an enlargement of time to file a response to Respondent's answer to Petitioner's federal habeas petition. Dkt. 27. Petitioner has previously requested, and been granted, two sixty-day extensions of time to file his response to Respondent's answer. *See* Dkts. 10, 12, 13, 20. Petitioner now seeks yet another extension of time to prepare and file his response, arguing that the additional time is necessary because of COVID-19 related restrictions on law library access at the Stafford Creek Corrections Center. Dkt. 27. Respondent has not filed a response to the current motion, though he did indicate in his

ORDER GRANTING PETITIONER'S THIRD
MOTION FOR ENLARGEMENT OF TIME - 1

1 response to Petitioner's last motion, which Respondent did not oppose, that he would oppose any
2 further requests for additional time for Petitioner to file his response. Dkt. 14.

3 Petitioner requests in the current motion that he be granted an enlargement of time from
4 December 16, 2021 to January 16, 2022 to file his response, suggesting that Petitioner believes
5 the Court's prior order established a response deadline of December 16, 2021. In fact, in his last
6 motion for an enlargement of time, Petitioner asked that he be granted until November 16, 2021,
7 to file his response and the Court granted that request. *See* Dkt. 20. Petitioner's response is
8 therefore already overdue.

9 Petitioner was advised in the Court's Order granting his last motion requesting additional
10 time that no future extensions would be granted absent a showing of extraordinary
11 circumstances. *Id.* at 2. Petitioner has arguably not shown that extraordinary circumstances
12 justify extension of the current response deadline. Though Petitioner claims law library access is
13 limited, he recently filed extensive motions for discovery, for expansion of the record, and for an
14 evidentiary hearing. *See* Dkts. 15, 16, 18, 22, 23, 26. This suggests that Petitioner does, in fact,
15 have ample access to the law library, he has simply not used his time to prepare his response.
16 While the Court is reluctant to grant Petitioner yet another extension, the Court is also concerned
17 about Petitioner's apparently mistaken belief that his current deadline is still almost a month
18 away when, in fact, the deadline has now passed. The Court will therefore grant Petitioner one
19 *final* extension.

20 Based on the foregoing, the Court, hereby ORDERS as follows:

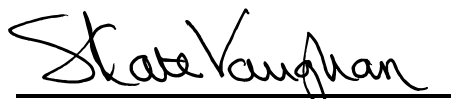
21 (1) Petitioner's third motion for an enlargement of time to file a response to
22 Respondent's answer (Dkt. 27) is GRANTED. Petitioner is directed to file his response not later
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1 than ***January 17, 2022***.¹ Petitioner is advised that no further requests for additional time will be
2 entertained. If Petitioner fails to submit his response to Respondent's answer by this new
3 deadline, the Court will review Petitioner's federal habeas petition on the record as it currently
4 stands.

5 (2) Respondent's answer to Petitioner's federal habeas petition (Dkt. 8) is RE-
6 NOTED on the Court's calendar for consideration on ***January 21, 2022***. Respondent shall file
7 any reply brief in support of his answer by that date.

8 (3) The Clerk is directed to send copies of this Order to Petitioner, to counsel for
9 Respondent, and to the Honorable David G. Estudillo.

10 DATED this 22nd day of November, 2021.

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13 S. KATE VAUGHAN
14 United States Magistrate Judge
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21 ¹ As noted, Petitioner requested an enlargement of time until January 16, 2022, to file his response.
22 However, the day selected by Petitioner is a Sunday. The Court has therefore extended the deadline to the next
23 business day.